

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01952-JDB**

ENVIRONMENTAL INTEGRITY PROJECT et al v.
ENVIRONMENTAL PROTECTION AGENCY
Assigned to: Judge John D. Bates
Cause: 05:552 Freedom of Information Act

Date Filed: 08/21/2018
Date Terminated: 12/04/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**ENVIRONMENTAL INTEGRITY
PROJECT**

represented by **Adam Matthew Kron**
ENVIRONMENTAL INTEGRITY
PROJECT
1000 Vermont Avenue, NW
Suite 1100
Washington, DC 20005
(202) 263-4451
Fax: (202) 296-8822
Email: akron@environmentalintegrity.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sylvia Lam
ENVIRONMENTAL INTEGRITY
PROJECT
1000 Vermont Avenue, NW
Suite 1100
Washington, DC 20005
(202) 888-2701
Fax: (202) 296-8822
Email: slam@environmentalintegrity.org
ATTORNEY TO BE NOTICED

Plaintiff

**CHESAPEAKE CLIMATE ACTION
NETWORK**

represented by **Adam Matthew Kron**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sylvia Lam
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**ENVIRONMENTAL PROTECTION
AGENCY**

represented by **Julie Straus Harris**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005
(202) 353-7633
Fax: (202) 616-8460
Email: julie.strausharris@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/21/2018	<u>1</u>	COMPLAINT against All Defendants <i>US Environmental Protection Agency</i> (Filing fee \$ 400 receipt number 0090-5650445) filed by ENVIRONMENTAL INTEGRITY PROJECT, CHESAPEAKE CLIMATE ACTION NETWORK. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons for EPA, # <u>3</u> Summons for US Attorney for DC, # <u>4</u> Summons for US Attorney General, # <u>5</u> Exhibit A, # <u>6</u> Exhibit B, # <u>7</u> Exhibit C, # <u>8</u> Exhibit D, # <u>9</u> Exhibit E, # <u>10</u> Exhibit F, # <u>11</u> Exhibit G, # <u>12</u> Exhibit H, # <u>13</u> Exhibit I, # <u>14</u> Exhibit J, # <u>15</u> Exhibit K, # <u>16</u> Exhibit L, # <u>17</u> Exhibit M, # <u>18</u> Exhibit N, # <u>19</u> Exhibit O, # <u>20</u> Exhibit P, # <u>21</u> Exhibit Q, # <u>22</u> Exhibit R, # <u>23</u> Exhibit S)(Lam, Sylvia) (Attachment 1 replaced on 8/22/2018) (zsth). (Entered: 08/21/2018)
08/21/2018	<u>2</u>	Corporate Disclosure Statement by CHESAPEAKE CLIMATE ACTION NETWORK, ENVIRONMENTAL INTEGRITY PROJECT. (Lam, Sylvia) Modified on 8/24/2018 (zrdj). (Entered: 08/21/2018)
08/21/2018		Case Assigned to Judge John D. Bates. (zsth) (Entered: 08/22/2018)
08/22/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zsth) (Entered: 08/22/2018)
08/27/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/24/2018. Answer due for ALL FEDERAL DEFENDANTS by 9/23/2018. (Attachments: # <u>1</u> Affidavit of Proof of Service)(Lam, Sylvia) (Entered: 08/27/2018)
08/30/2018	<u>5</u>	NOTICE of Appearance by Adam Matthew Kron on behalf of All Plaintiffs (Kron, Adam) (Entered: 08/30/2018)
09/18/2018	<u>6</u>	NOTICE of Appearance by Julie Straus Harris on behalf of ENVIRONMENTAL PROTECTION AGENCY (Straus Harris, Julie) (Entered: 09/18/2018)
09/18/2018	<u>7</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint,, by ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Straus Harris, Julie) (Entered: 09/18/2018)
09/18/2018		MINUTE ORDER: Upon consideration of <u>7</u> defendant's unopposed motion for extension of time to respond to the complaint, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that defendant shall respond to plaintiffs' complaint by not later than October 23, 2018. SO ORDERED. Signed by Judge John D. Bates on 09/18/2018. (lcjdb3) (Entered: 09/18/2018)
09/25/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. Defendant U.S. Environmental Protection Agency served 8/27/18 (Attachments: # <u>1</u> Certified mail receipt, # <u>2</u> Electronic confirmation)(Lam, Sylvia) Modified text on 9/27/2018 (td). (Entered: 09/25/2018)
09/25/2018	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 8/27/2018. (Attachments: # <u>1</u> Certified mail receipt, # <u>2</u> Electronic confirmation)(Lam, Sylvia) (Entered: 09/25/2018)
10/23/2018	<u>10</u>	MOTION to Dismiss (<i>Partial</i>) by ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Memorandum in Support of Defendant's Partial Motion to Dismiss, # <u>2</u> Text of Proposed Order)(Straus Harris, Julie) (Entered: 10/23/2018)
11/06/2018	<u>11</u>	Memorandum in opposition to re <u>10</u> MOTION to Dismiss (<i>Partial</i>) filed by CHESAPEAKE CLIMATE ACTION NETWORK, ENVIRONMENTAL INTEGRITY PROJECT. (Attachments: # <u>1</u> Text of Proposed Order)(Lam, Sylvia) (Entered: 11/06/2018)
11/07/2018	<u>12</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>10</u> MOTION to Dismiss (<i>Partial</i>) by ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Straus Harris, Julie) (Entered: 11/07/2018)

11/08/2018		MINUTE ORDER: Upon consideration of <u>12</u> defendant's unopposed motion to extend its time to file a reply in support of its partial motion to dismiss, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that defendant shall file its reply in support of its motion to dismiss by not later than November 20, 2018. SO ORDERED. Signed by Judge John D. Bates on 11/08/2018. (lcjdb3) (Entered: 11/08/2018)
11/09/2018		Set/Reset Deadlines: Reply to Dispositive Motion due by 11/20/2018. (tb) (Entered: 11/09/2018)
11/09/2018		Set/Reset Deadlines: Reply to Dispositive Motion due by 11/20/2018. (tb) (Entered: 11/09/2018)
11/20/2018	<u>13</u>	REPLY to opposition to motion re <u>10</u> MOTION to Dismiss (<i>Partial</i>) filed by ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Exhibit)(Straus Harris, Julie) (Entered: 11/20/2018)
11/30/2018	<u>14</u>	Consent MOTION for Leave to File <i>Amended Complaint</i> by CHESAPEAKE CLIMATE ACTION NETWORK, ENVIRONMENTAL INTEGRITY PROJECT (Attachments: # <u>1</u> Plaintiffs' Amended Complaint, # <u>2</u> Exhibit Exhibits A–K for Amended Complaint, # <u>3</u> Text of Proposed Order)(Lam, Sylvia) (Entered: 11/30/2018)
12/03/2018		MINUTE ORDER: Upon consideration of <u>14</u> plaintiffs' consented motion for leave to amend their complaint, and the entire record herein, it is hereby ORDERED that plaintiffs' motion is GRANTED; and it is further ORDERED that the Clerk of Court shall docket [14–1] as plaintiffs' First Amended Complaint and [14–2] as plaintiffs' exhibits to their First Amended Complaint. SO ORDERED. Signed by Judge John D. Bates on 12/3/2018. (lcjdb3) (Entered: 12/03/2018)
12/03/2018	<u>15</u>	AMENDED COMPLAINT against ENVIRONMENTAL PROTECTION AGENCY filed by ENVIRONMENTAL INTEGRITY PROJECT, CHESAPEAKE CLIMATE ACTION NETWORK. (Attachments: # <u>1</u> Exhibit A–K)(ztd) (Entered: 12/03/2018)
12/17/2018	<u>16</u>	ANSWER to <u>15</u> Amended Complaint by ENVIRONMENTAL PROTECTION AGENCY.(Straus Harris, Julie) (Entered: 12/17/2018)
12/18/2018	<u>17</u>	ORDER directing parties to confer and to submit a proposed schedule for the processing and release of responsive records and/or a briefing schedule for the filing of dispositive motions by not later than January 28, 2019. See text of Order for details. Signed by Judge John D. Bates on 12/18/2018. (lcjdb3) (Entered: 12/18/2018)
12/19/2018		Set/Reset Deadlines: Proposed Briefing Schedule due by 1/28/2019. (tb) (Entered: 12/19/2018)
01/23/2019	<u>18</u>	Consent MOTION to Stay re <u>17</u> Scheduling Order, <i>in Light of Lapse of Appropriations</i> by ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Straus Harris, Julie) (Entered: 01/23/2019)
01/24/2019		MINUTE ORDER: Upon consideration of <u>18</u> defendant's consent motion for a stay of the Court's order to file a joint proposed schedule, and the entire record herein, it is hereby ORDERED that defendant's motion for a stay of the filing deadline is GRANTED; it is further ORDERED that the deadline to file a joint proposed schedule is STAYED until appropriations are restored to the Department of Justice and the Environmental Protection Agency; and it is further ORDERED that the parties shall file a joint proposed schedule for the processing and release of responsive records and/or a briefing schedule for the filing of dispositive motions by not later than fourteen days after Congress has appropriated funds for the Department of Justice and the Environmental Protection Agency. SO ORDERED. Signed by Judge John D. Bates on 01/24/2019. (lcjdb3) (Entered: 01/24/2019)
01/28/2019	<u>19</u>	NOTICE of Restoration of Appropriations by ENVIRONMENTAL PROTECTION AGENCY re Order on Motion to Stay,,, (Straus Harris, Julie) (Entered: 01/28/2019)
02/08/2019	<u>20</u>	NOTICE of Proposed Schedule (<i>Joint</i>) by ENVIRONMENTAL PROTECTION AGENCY (Straus Harris, Julie) (Entered: 02/08/2019)
02/11/2019		MINUTE ORDER: Upon consideration of <u>20</u> parties' joint notice of proposed schedule, and the entire record herein, it is hereby ORDERED that the parties shall file a joint status report by not later than March 28, 2019. SO ORDERED. Signed by

		Judge John D. Bates on 02/11/2019. (lcjdb3) (Entered: 02/11/2019)
02/13/2019		Set/Reset Deadlines: Joint Status Report due by 3/28/2019. (tb) (Entered: 02/13/2019)
03/28/2019	<u>21</u>	Joint STATUS REPORT by ENVIRONMENTAL PROTECTION AGENCY. (Straus Harris, Julie) (Entered: 03/28/2019)
04/01/2019		MINUTE ORDER: Upon consideration of <u>21</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that the parties shall file a joint status report by not later than June 27, 2019. SO ORDERED. Signed by Judge John D. Bates on 04/01/2019. (lcjdb3) (Entered: 04/01/2019)
04/02/2019		Set/Reset Deadlines: Joint Status Report due by 6/27/2019. (tb) (Entered: 04/02/2019)
06/27/2019	<u>22</u>	Joint STATUS REPORT by ENVIRONMENTAL PROTECTION AGENCY. (Straus Harris, Julie) (Entered: 06/27/2019)
07/01/2019		MINUTE ORDER: Upon consideration of <u>22</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that the parties shall file a joint status report by not later than August 12, 2019. SO ORDERED. Signed by Judge John D. Bates on 07/01/2019. (lcjdb3) (Entered: 07/01/2019)
07/01/2019		Set/Reset Deadlines: Joint Status Report due by 8/12/2019. (tb) (Entered: 07/01/2019)
08/12/2019	<u>23</u>	Joint STATUS REPORT by ENVIRONMENTAL PROTECTION AGENCY. (Straus Harris, Julie) (Entered: 08/12/2019)
08/13/2019		MINUTE ORDER: Upon consideration of <u>23</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that the parties shall file a joint status report by not later than September 12, 2019 as to whether the parties have resolved all disputes or whether further proceedings are necessary. SO ORDERED. Signed by Judge John D. Bates on 08/13/2019. (lcjdb3) (Entered: 08/13/2019)
08/14/2019		Set/Reset Deadlines: Joint Status Report due by 9/12/2019. (tb) (Entered: 08/14/2019)
08/29/2019		MINUTE ORDER: In light of the filing of <u>15</u> the amended complaint and <u>23</u> the parties' joint status report indicating that the sole remaining issue in this case is a determination as to possible attorney fees and/or costs, it is hereby ORDERED that <u>10</u> defendant's partial motion to dismiss is DENIED as MOOT. SO ORDERED. Signed by Judge John D. Bates on 08/29/2019. (lcjdb3) (Entered: 08/29/2019)
09/12/2019	<u>24</u>	Joint STATUS REPORT by ENVIRONMENTAL PROTECTION AGENCY. (Straus Harris, Julie) (Entered: 09/12/2019)
09/27/2019		MINUTE ORDER: Upon consideration of <u>24</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that the parties shall file a joint status report by not later than October 28, 2019 as to whether the parties have resolved all disputes or whether further proceedings are necessary. SO ORDERED. Signed by Judge John D. Bates on 09/27/2019. (lcjdb3) (Entered: 09/27/2019)
10/03/2019		Set/Reset Deadlines: Joint Status Report due by 10/28/2019. (jth) (Entered: 10/03/2019)
10/28/2019	<u>25</u>	Joint STATUS REPORT by ENVIRONMENTAL PROTECTION AGENCY. (Straus Harris, Julie) (Entered: 10/28/2019)
10/29/2019		MINUTE ORDER: Upon consideration of <u>25</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that the parties shall file a joint status report by not later than 5pm on December 4, 2019 as to whether the parties have resolved all disputes or whether further proceedings are necessary; and it is further ORDERED that a status conference is set for December 5, 2019 at 9:30am in Courtroom 30. SO ORDERED. Signed by Judge John D. Bates on 10/29/2019. (lcjdb3) (Entered: 10/29/2019)
10/30/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 12/4/2019. Status Conference set for 12/5/2019 at 09:30 AM in Courtroom 30A before Judge John D. Bates. (tb) (Entered: 10/30/2019)

12/04/2019	<u>26</u>	NOTICE of Acceptance with Offer of Judgment by CHESAPEAKE CLIMATE ACTION NETWORK, ENVIRONMENTAL INTEGRITY PROJECT (Attachments: # <u>1</u> Exhibit A: Offer of Judgment)(Lam, Sylvia) (Entered: 12/04/2019)
12/04/2019		MINUTE ORDER: Upon consideration of <u>25</u> plaintiffs' Notice of Acceptance with Offer of Judgment, it is hereby ORDERED that the status conference scheduled for December 5, 2019 at 9:30am is CANCELED. SO ORDERED. Signed by Judge John D. Bates on 12/4/2019. (lcjdb3) (Entered: 12/04/2019)
12/04/2019	<u>27</u>	CONSENT JUDGMENT ORDER: Judgment is entered against defendant and dismissing case. See text of Order for details. Signed by Judge John D. Bates on 12/04/19. (tb) (Entered: 12/04/2019)